

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

YAASEEN BIVENS

Case No. 22-1576

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 23, 2022 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. 922(g)(1)

Offense Description

Possession of Ammunition by a Felon

This criminal complaint is based on these facts:

On or about September 23, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant Yaaseen Bivens, knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, that is, at least one of the following, 100 live rounds of .40 caliber ammunition, and the ammunition was in and affecting interstate commerce.

☒ Continued on the attached sheet.

/s Justin Hines

Complainant's signature

Justin Hines, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/07/2022

/s Carol Sandra Moore Wells

*Judge's signature*City and state: Philadelphia, PA

Hon. Carol Sandra Moore Wells, U.S. Mag. Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Justin A. Hines, being first duly sworn, hereby depose and state as follows:

1. I am a special agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since 2015. Before joining ATF, I was employed as a special agent of the U.S. Department of State, Diplomatic Security Service for approximately three years. Before becoming a special agent, I served in the United States Army for six years and was honorably discharged. I am currently assigned to the Philadelphia Crime Gun Enforcement Team. Its primary mission is to investigate those individuals and groups that are engaged in the commission of violent state and federal violations. During my law enforcement career, I have investigated an array of complex federal and state crimes. I have training and experience in the use of cellular telephones and social media during and in the furtherance of criminal activity. In these investigations, I have been involved in the application for and execution of numerous arrest and search warrants related to the aforementioned criminal offenses. I have received specialized training from ATF relating to the use of firearms in violent crime and ballistic technology used to identify, match and link crime guns to incidents. In 2020, I attended ATF training as a Crime Gun Intelligence Expert. My law enforcement experience has included numerous investigations of violent crime, firearm and drug-related offenses resulting in the seizure of various controlled substances and firearms. These investigations have resulted in the arrest and successful prosecution of individuals who have committed violations of federal law, including but not limited to firearms offenses and narcotics trafficking. Through my training and experience, I am familiar with the actions, habits, traits, methods, and terminology utilized by violent criminal offenders.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The dates and times listed in this affidavit should be read as “on or about” dates and times.

3. This affidavit concerns the purchase and illegal possession of ammunition on September 23, 2022, by Yaaseen Bivins, a previously convicted felon. On September 23, 2022, Bivens, and another male entered the Philadelphia Training Academy located at 831-833 Ellsworth St. Philadelphia, PA, and purchased two boxes of .40 caliber ammunition and a magazine speed loader.

4. On September 27, 2022, at approximately 4:41p.m., Philadelphia Police Department (“PPD”) Officers responded to a radio call for a "Person with a Gun," at the Roxborough High Football Field at 4700 Pechin Street. Responding officers located five (5) shooting victims¹. Victim #1, N.E., 14 H/M, suffered a gunshot wound to his chest and was transported by police to Einstein Medical Center and was pronounced deceased by Dr. Moran at 5:09 p.m. Victim #2, K.B., 17 B/M, suffered nine (9) gunshot wounds to his right arm and left leg. Victim #3, I.T., 14 H/M, suffered a gunshot wound to his left thigh. Police transported K.B. and I.T. to Temple University Hospital and Einstein Medical Center, where they were admitted in stable condition, by Drs. Decker and Moran. Victim #4, N.M., 15 B/M, suffered a gunshot wound to his left leg and was transported to Einstein Medical Center by Medic #5 and was admitted in stable condition, by Dr. Moran. Victim #5, K.O., 14 B/M, suffered a graze wound to his right ankle.

¹ The victims identified in this affidavit are all juveniles who are known to law enforcement and are referred to by their initials.

5. Following this incident, a joint investigation was initiated by the Philadelphia Police Department (PPD) Homicide Unit and the ATF Philadelphia CGET and numerous hours of video footage were recovered and reviewed. In these videos, in sum, the perpetrators of the shooting arrived in a light green colored Ford Explorer near the high school. Five individuals exited the vehicle and opened fire on a group of juveniles walking from the football back to Roxborough High School. Evidence recovered from the crime scene showed 64 rounds were fired by 9mm, .40 caliber, and 5.7mm pistols. After these five individuals discharged their respective pistols at the victims, they returned to the Explorer and fled the area. Numerous cameras captured the flight of this Explorer, which bore a Delaware temporary tag of XD467056. Investigators queried this license plate and learned that on August 20, 2022, that Philadelphia Housing Authority Police (“PHA”) located the Ford Explorer bearing this registration near 1200 Jessup St. Philadelphia, PA. and bearing VIN 1FMSK8DH8LGA75599. Records checks of this VIN showed this vehicle was taken in a carjacking in Chester, PA on July 1, 2022. At the time of its initial theft, it was bearing a Pennsylvania registration. While PHA Officers were awaiting a tow truck, the Explorer was re-stolen.

6. On September 28, 2022, investigators located the Explorer near 3275 South 61st St. Philadelphia, PA. After hours of surveillance the vehicle was recovered by law enforcement and towed to the PPD impound lot to be held for a search warrant.

7. On September 29, 2022, a search warrant was executed on the Explorer and an additional search warrant was executed on the “Infotainment System” of the vehicle. In searching the Infotainment system, records were obtained to include cellular phones connected to the vehicle, call logs and location history. Of note, the location history of the Explorer showed

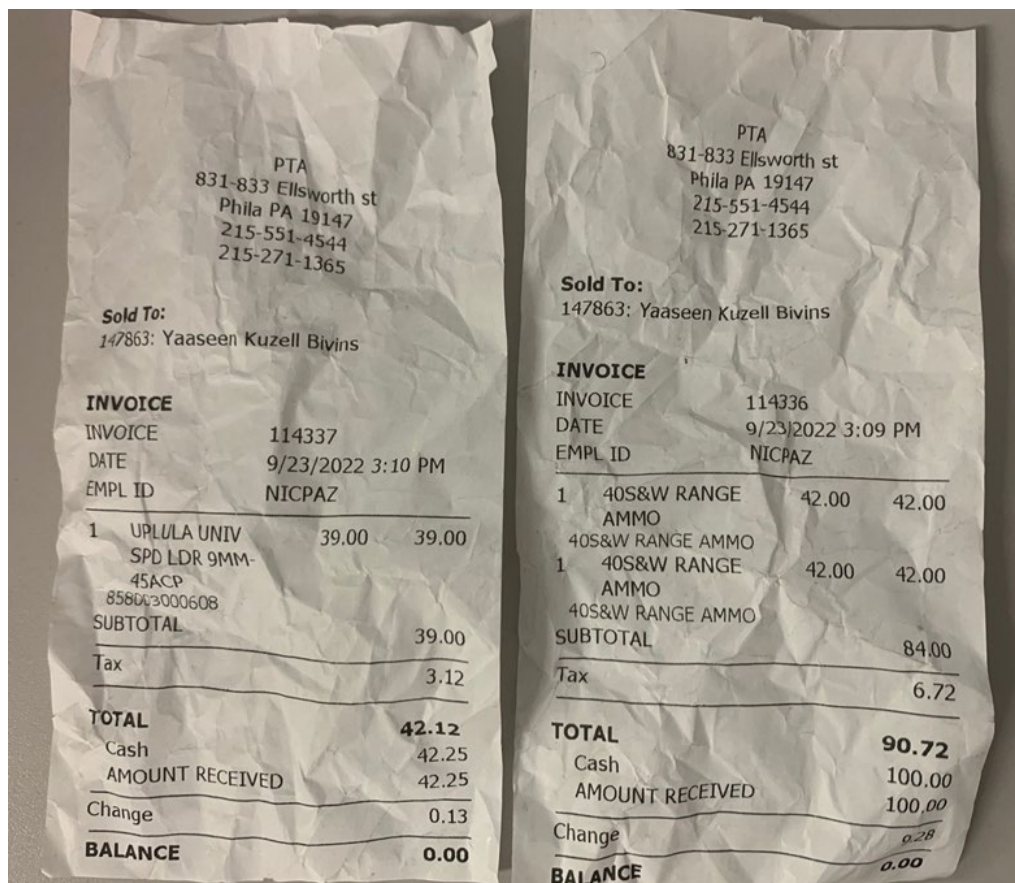
that before the murder, and after, it traveled to and from the area of 1800 N. Lambert St. Philadelphia, PA.

8. On October 3, 2022, additional video was recovered from the area of 1800 N. Lambert St. The video from September 27, 2022 depicts the suspects arriving on 1800 N. Lambert Street in a gray Chevy Impala with dark tinted windows. The Chevy Impala has distinct damage to the rear driver side bumper (caved in), distinct damage to the passenger side front door quarter panel at the front door jam and a distinct sticker on the trunk just to the right of the "Impala" factory decals. At 3:52 p.m. the Chevy Impala is observed entering the same lot in which the aforementioned Ford Explorer is located. Five unknown suspects exit the Chevy Impala and enter the Ford Explorer. The Ford Explorer then exits the lot and turns northbound onto 1800 N. Lambert Street. At 3:55 p.m. the Ford Explorer returns, one suspect exits the Ford Explorer returns to the Chevy Impala, that same male then returns to the Ford Explorer. The Ford Explorer then exits the lot and turns southbound on 1800 N. Lambert Street.

9. On October 3, 2022, the Chevy Impala was located on the highway at 3212 N. 25th Street bearing Pennsylvania temporary registration: 3805-640. The vehicle has the same damage to the driver's side rear bumper, passenger side front quarter panel and distinct sticker on the rear trunk. The damage matches the suspect vehicle.

10. The Impala was towed to the PPD impound lot where a search warrant was executed upon it. Numerous items of evidentiary value were recovered. Of these items' receipts from the Philadelphia Training Academy, a Federal Firearms Licensee Located at 831-833 Ellsworth St. Philadelphia, PA dated September 23, 2022, for two boxes of "40S&W RANGE AMMO" for a total cost, with tax of \$90.72. A second receipt for one "UPLULA UNIV SPD LDR 9MM-45ACP" for a total cost of \$42.12. In my training and experience, I know the second

items is a “speed loader” an item used to assist in loading ammunition into pistol magazines. Additionally, these receipts show the ammunition and speed loader were sold to customer number “147863 Yaseen Kuzell Bivins” on invoice number “114336” and “114337.”



(The recovered receipts)

11. On October 5, 2022, law enforcement agents traveled to the Philadelphia Training Academy and interviewed Store Manager, N.P., regarding receipt number: 114336. When asked, N.P., related that every transaction whether paid in cash or with a credit card is recorded via a receipt. Additionally, N.P. related that each customer is assigned a unique identification number, that is specific to them. The customer identification number is recorded at the top of the receipt and includes the customer’s name. N.P. reviewed receipt number: 114336 and noted the

customer was a male by the name of Yaaseen Kuzell Bivins, with an assigned customer identification number: 147863.

12. N.P. stated that on September 23, 2022, at 3:09 p.m., Bivins purchased two (2) boxes of .40 caliber, Ammo Inc., ammunition. The total price of the transaction was \$90.72. Bivins paid \$100.00 cash and received \$9.28 in change. At the time of the transaction, Bivins provided Pennsylvania Photo Identification Card: 32720480, with a verified address of 2958 N. Bambrey Street, Philadelphia, PA 19132. Following the transaction, Bivins left the store with the two (2) boxes of ammunition.

13. Upon request, N.P. provided investigators access to Philadelphia Training Academy's store surveillance video.

14. In reviewing this footage, of the purchase of this ammunition of September 23, 2022, two African American males enter the store via the front entrance. The first male is a heavy-set African American male, wearing a black t-shirt, black Under Armor pants, and white/blue/gray, New Balance sneakers. The second male is an African American male, wearing a black, hooded sweatshirt, white t-shirt, black New Balance pants, and black/white/gray sneakers. Both males proceed to the front counter where a brief interaction occurs with Philadelphia Training Academy employees. Following the interaction, the two (2) males proceed to the register. Prior to the transaction, the second male exits the store and waits for the first male outside. The first male then pays for two (2) boxes of ammunition via cash and exits the store. Both males then walk together to a gray, Chevrolet Impala bearing Pennsylvania temporary registration: 3805-640 and leave the area (NOTE: this is the same Impala as described above.).



(Bivins inside of the Philadelphia Training Academy)



(The Impala)

15. On October 5, 2022, investigators conducted a query through PENNDOT BMV of the name Yaaseen Kuzell Bivins, DOB: 04/15/2001. The query returned a Pennsylvania Photo Identification Card Number: 32720480, with a verified address of 2958 N. Bambrey Street, Philadelphia, PA 19132. The photo identification card picture matched the appearance of the first

male, who purchased the ammunition. The photo identification card was issued on June 29, 2021 and expires on June 30, 2025. The photo identification car number is the same as the photo identification card presented to the Philadelphia Training Academy, referenced above in paragraph 12.

17. On October 5, 2022, investigators accessed the publicly viewable Instagram account: 25stbivz_. investigators observed numerous photographs and videos depicting the same male. Investigators noted the male matched the appearance of Bivins. Investigators submitted the Instagram user's photographs through facial recognition and determined the identity of the male to be Bivins. The account contains multiple videos of Bivins, viewable from a "selfie-style" point of view. Based on your affiant's training, experience, and knowledge of Instagram, this is an indication that "25stbivz_" is likely operated by Bivins.

19. Additionally, a thread of videos was posted to the account and dated between twenty weeks and three weeks prior to investigators viewing the account. The thread contains multiple videos of bulk marijuana, large sandwich bags containing bulk marijuana, and Bivins in possession of the bulk marijuana. Included in the thread is one video depicting an unknown individual seated inside of a vehicle. The individual is wearing light colored new balance sneakers and black pants. Located on the floorboard in between the individuals' feet are three large clear sandwich bags each containing alleged marijuana and one dark colored "Glock" style pistol, loaded with an extended magazine. It is noted that the three bags of alleged marijuana are consistent in size, shape and packaging as the ones being possessed by Bivins in previous videos.



(A public posting from Bivins Instagram page dated eight weeks ago (approximately August 5, 2022, where a Glock pistol and suspected marijuana are visible)

22. I have investigated Bivins criminal history. He has been previously convicted of a felony punishable by more than one year imprisonment. On August 1, 2022, in the Philadelphia County Court of Common Pleas (Docket No. CP-51-CR-0000114-2021), Bivins was convicted of Aggravated Assault by Vehicle in violation of Pa. 75 § 3732.1 and Accidents Involving Death or Injury while Not Licensed, in violation Pa. Stat. 75 § 3742.1, both third-degree felonies in Pennsylvania. Bivins is currently scheduled to be sentenced on October 12, 2022. I have reviewed transcripts from the proceedings and am aware that during a colloquy between Bivins

and the Judge, Bivens acknowledged that he was aware of the punishment range for his felony charges and discussed them with his attorney. Therefore I believe probable cause exists to believe that Bivens was knew of his status as a felon following his conviction.

23. Investigators contacted Ammo Inc. regarding the origin and manufacture of the 100 rounds of Ammo Inc. brand .40 caliber ammunition purchased by Bivins. Based on the investigation conducted the 100 rounds of Ammo Inc. ammunition was manufactured outside of the Commonwealth of Pennsylvania, specifically in the state of Wisconsin, and therefore, by virtue of the ammunition's purchase and possession in the Commonwealth of Pennsylvania, the ammunition traveled in interstate commerce.

24. Based on the facts set forth above, I believe that sufficient probable cause exists to establish that Yaseen Bivins, a previously convicted felon, violated 18 U.S.C. § 922(g)(1) (felon in possession of ammunition) by possessing 100 rounds of .40 caliber ammunition on September 23, 2022, in Philadelphia, Pennsylvania, and accordingly I respectfully request the issuance of a criminal complaint.

Respectfully submitted,

/s Justin Hines

Justin Hines

Special Agent, Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Subscribed and sworn to before me
on October 7, 2022.

/s Carol Sandra Moore Wells

Hon. Carol Sandra Moore Wells
United States Magistrate Judge